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Attorneys for Plaintiffs	
UNITED STATES	DISTRICT COURT
FOR THE NORTHERN DI	STRICT OF CALIFORNIA
CH CDOCTHWAITE at al	Casa No . C00 2402 ICW
	Case No.: C08-2403 JSW
V. Plaintiffs,	REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE;
RYAN McCLURE EXCAVATION, INC.	AND DECLARATION OF SHAAMINI A. BABU IN SUPPORT THEREOF
Defendant.	Date: February 27, 2009
	Time: 1:30 p.m. Ctrm: 2, 17 <sup>th</sup> Floor
	Judge: The Honorable Jeffrey S. White
1. This action was filed on May	9, 2008, to recover delinquent fringe benefit
contributions pursuant to the Employee Retireme	nt Income Security Act of 1974 (ERISA).
2. Saltzman & Johnson Law Corpor	ation is counsel for Plaintiffs Gil Crosthwaite, et
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al. ("Plaintiffs"). Defendant Ryan McClure Exca	avation, Inc. ("Defendant") is represented by legal
al. ("Plaintiffs"). Defendant Ryan McClure Exca counsel Murphy, Campbell, Guthrie & Alliston, b	
counsel Murphy, Campbell, Guthrie & Alliston, b	
counsel Murphy, Campbell, Guthrie & Alliston, b  3. In July 2008, and again on Dec	out Defendant has not yet appeared in this action.
counsel Murphy, Campbell, Guthrie & Alliston, b 3. In July 2008, and again on Dec relevant documents to Plaintiffs' counsel that est	out Defendant has not yet appeared in this action. cember 8, 2008, Defendant's counsel provided
counsel Murphy, Campbell, Guthrie & Alliston, by 3. In July 2008, and again on Decrelevant documents to Plaintiffs' counsel that est order to have sufficient opportunity to review	out Defendant has not yet appeared in this action.  cember 8, 2008, Defendant's counsel provided ablished certain amounts owed by Defendant. In
counsel Murphy, Campbell, Guthrie & Alliston, by 3. In July 2008, and again on Decrelevant documents to Plaintiffs' counsel that est order to have sufficient opportunity to review	out Defendant has not yet appeared in this action.  cember 8, 2008, Defendant's counsel provided ablished certain amounts owed by Defendant. In the work the documents and meet and confer with
	Shaamini A. Babu, Esq. (SBN 230704) SALTZMAN & JOHNSON LAW CORPORATI 44 Montgomery Street, Suite 2110 San Francisco, CA 94104 (415) 882-7900 (415) 882-9287 – Facsimile mkaplan@sjlawcorp.com sbabu@sjlawcorp.com Attorneys for Plaintiffs  UNITED STATES FOR THE NORTHERN DI  GIL CROSTHWAITE, et al., Plaintiffs, v.  RYAN McCLURE EXCAVATION, INC.  Defendant.  1. This action was filed on May contributions pursuant to the Employee Retireme

that it recently learned that Defendant's corporate status had been "suspended" and that pursuant

REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE Case No.: C08-02403 JSW

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from Defendant which have not been provided to date.

to Revenue and Taxation Code §23301 and California Corporations Code §2205, the corporate powers, rights, privileges of Defendant had been suspended thereby prohibiting Defendant from defending itself in litigation.

5. On January 20, 2009, Plaintiffs' counsel requested additional relevant documents

- 6. On February 17, 2009, Plaintiffs counsel notified Defendant's counsel that Defendant must file an Answer before February 20, 2009. Defendant's counsel advised Plaintiffs' counsel that Defendant will not have revived its corporate status from "suspended" to "active" by that time and cannot appear in the action until Defendant's corporate status was "active." Defendant's counsel could not provide a date certain when Defendant's corporate status would become "active" and thus, Plaintiffs' counsel advised Defendant's counsel that Plaintiffs will proceed to Request Entry of Default and thereafter, file a Motion for Default Judgment.
  - 7. Plaintiffs' Request for Entry of Default was filed with the Court today.
- 8. Plaintiffs are attempting to obtain additional information relevant to their Motion for Default Judgment from other sources and will file said motion upon completion of their investigations.

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1	9. Based on the foregoing, the parties respectfully request that the Case Management	
2	Conference, currently scheduled for February 27, 2009, be continued for approximately sixty (60)	
3	days to allow Plaintiffs sufficient opportunity to gather necessary information and prepare their	
4	Motion for Default Judgment. It is furthermore requested that all previously set deadlines and	
5	dates related to this case be continued as well.	
6	I declare under penalty of perjury that I am the attorney for the plaintiffs in the above	
7	entitled action, and that the foregoing is true of my own knowledge.	
8	Executed this 18 <sup>th</sup> day of February, 2009, at San Francisco, California.	
9	SALTZMAN & JOHNSON	
10	LAW CORPORATION	
11	By:/s/	
12	Shaamini A. Babu Attorneys for Plaintiffs	
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14	IT IS SO ORDERED.	
15	The currently set Case Management Conference is hereby continued to	
16	May 1, 2009 at All related deadlines are extended	
17	accordingly.	
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19	Date: February 24, 2009 Company 24, 2009	
20	United States District Court Judge	
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